

VZCZCXYZ0001  
PP RUEHWEB

DE RUEHTU #1145/01 3111726  
ZNY CCCCC ZZH  
P 061726Z NOV 08  
FM AMEMBASSY TUNIS  
TO RUEHC/SECSTATE WASHDC PRIORITY 5723  
INFO RUCNMGH/MAGHREB COLLECTIVE PRIORITY

C O N F I D E N T I A L TUNIS 001145

SIPDIS

NEA/MAG (NARDI/STEWART); DRL (JOHNSTONE/KLARMAN)  
LONDON AND PARIS FOR NEA WATCHER

E.O. 12958: DECL: 11/05/2018  
TAGS: PHUM PGOV PREL KDEM KPAO TS  
SUBJECT: JOURNALIST, LAWYER POSSIBLE TARGETS OF GOT  
HARASSMENT; LAWYER STARTS HUNGER STRIKE

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

-----  
Summary  
-----

¶1. (C) Journalist Neziha Rejiba, better known by her pen name Om Zied, and her husband attorney Mokhtar Jallali have both had recent legal difficulties, giving rise to speculation that they are the targets of GOT harassment. As is common in Tunisia, Jallali remains in prison following a car accident that resulted in a fatality, even though police determined he was not at fault. His lawyers' request that he be released to obtain medical attention was denied however. On November 4, Jallali reportedly began an open-ended hunger strike to protest his incarceration. Neziha Rejiba faces defamation charges, stemming from an article she authored that was re-printed in the opposition Democratic Forum for Freedom and Labor's Arabic-monthly Moutinoun. End Summary.

-----  
Jallali  
-----

¶2. (C) On October 13, lawyer Mokhtar Jallali was involved in a car accident in downtown Tunis. Jallali is a former member of parliament, where he represented the loyal oppositionist Unionist Democratic Union (UDU). After 16 years with UDU, Jallali reportedly resigned from the party in March 2006 to protest UDU's close ties to the GOT. The October 13 accident occurred when his car was hit by another driver, resulting in the death of a bystander. Jallali reportedly briefly lost consciousness at the scene. He was determined not to be at fault, and left the scene to seek medical treatment. The driver who hit him was arrested at the time of the accident. Jallali was arrested on October 15 as a protective measure, which is not unusual in Tunisia for cases involving a fatality.

¶3. (C) On October 21, his attorneys, who included the President of the National Bar Association and the President of the Tunis Bar Association, requested his provisional release so that he could seek medical treatment. His attorneys also argued that articles 84 and 85 of the Penal Code under which he is being held only apply to those considered responsible for an accident, not other victims involved in the accident. The court did not release Jallali, and no new court date has been set. His son told PolFSN on October 24 that his father's health was poor, stemming from complications from the accident and pre-existing conditions. To protest his incarceration, Jallali reportedly began a hunger strike the evening of November 4.

¶4. (C) Comment: It is not unusual for individuals to be arrested in cases where a fatality is involved. In similar cases, those involved in fatal accidents, even if not at

fault, have been held for weeks, sometimes months. GOT officials have told us they do so to protect drivers from possible revenge attacks by relatives of those who died in the accident. It is possible, however, that the courts decision not to let Jallali seek medical treatment or be released early was influenced by his history as an activist. End Comment.

-----  
Rejiba  
-----

¶ 15. (C) On October 22, edition 77 of the independent opposition Democratic Forum for Freedom and Labor's (FDTL) Arabic-monthly Moutinoun was reported seized by security forces because of an editorial accusing the GOT of ordering the hacking of the website for the online magazine Kalima. On October 24, the Secretary General of the FDTL told the DCM that he had not received official notification that his party's publication had been seized. The author of the article in question, however, Neziha Rejiba (better known by her pen name Om Zied) was summoned to appear in front of an investigating magistrate for "making allegations in violation of the law." The website for Kalima was hacked on October 8 and its online archives were reportedly destroyed. Rejiba's article, originally published online, accused the GOT of ordering Kalima's destruction because of the publication's often critical reporting on the GOT and governmental corruption. A decision whether or not to refer Rejiba's case to trial has been postponed. No new hearing date has been set. According to elaph.com, Rejiba said she had previously received instructions to keep quiet until the Tunisian 2009 presidential and legislative elections are over, but instead

had decided to, "stay home and wait for policemen to come and take me to prison where I will probably find interesting material for my future work." If convicted, Rejiba could face up to three years in prison and a fine for "spreading false news" under article 49 of the press code.

¶ 16. (C) Editor of the opposition Progressive Democratic Party's (PDP) Arabic-weekly al-Mowqif Rachid Khachana told PolOff on October 25 that he was unsure that the FDTL's leadership had knowingly published Rejiba's article. Khachana said that the FDTL's publication process was decentralized, with the Secretary General providing only general oversight. As the paper lacks a large staff, it frequently re-prints articles from the internet. He opined that someone may have taken Rejiba's piece from the internet without reading it closely, suggesting that it then slipped through the cracks in the editorial process.

-----  
Comment  
-----

¶ 17. (C) In similar cases in the past, the journalists have mostly been found guilty and sentenced to prison. In some cases, however, the cases were left unresolved presumably as a threat. In one notable exception, the defamation charges against journalist Omar Mestiri were dropped after the case received considerable international attention. The Embassy will continue to follow this case closely, and will report on developments as they occur. End Comment.

GODEC